

STATE OF INDIANA - COUNTY OF MONTGOMERY  
IN THE CIRCUIT AND SUPERIOR COURTS

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**Notice of Amendments to Local Court Rules**  
**May 12, 2011**

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The Montgomery Circuit and Superior Courts propose amendments their local rules on special judges in civil cases at LR54-TR79-22, and on reassignment of judges in criminal cases at LR54-CR13-4, attached, which may be examined in the office of the Clerk of Montgomery County, on the Clerk's website ([www.montgomeryco.net](http://www.montgomeryco.net)), and on the Indiana Judicial website ([www.in.gov/judiciary/rules/local](http://www.in.gov/judiciary/rules/local)).

The Judges find good cause to deviate from the schedule adopted by the Division of State Court Administration for amending local court rules and request Supreme Court approval of these amended rules. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for Local Rules concerning Trial Rule 79 and Criminal Rule 13 and may not take effect until approved by the Supreme Court.

Comments may be submitted by the bar and public until **June 15, 2011**. Comments should be sent to the Honorable David A. Ault, Montgomery Superior Court, 100 E. Main Street, Crawfordsville, Indiana 47933, or by facsimile to 765-364-6465, or by e-mail to [judge.ault@montgomeryco.net](mailto:judge.ault@montgomeryco.net).

The effective date of the proposed rules shall be **July 1, 2011**.

**Special Judges**

A. Pursuant to Trial Rule 79(H), after consulting with the other judges within the 4<sup>th</sup> 11th Administrative District established in Administrative Rule 3(A); having considered the effective use of all judicial resources within such Administrative District; and having considered the accessibility of those judges who are eligible for appointment by a trial court as a special judge pursuant to Trial Rule 79(J), the following judges shall be appointed pursuant to a local rule pursuant to Trial Rule 79(H), shall comprise the list for such appointments, and be selected alphabetically by ~~last name~~ county on a rotating basis, as follows: The judge of the Fountain Circuit Court, the judge of the Montgomery Circuit Court, the judge of the Montgomery Superior Court 1, the judge of the Montgomery Superior Court 2, the judge of the Parke Circuit Court, the judge of the Vermillion Circuit Court, and the judge of the Warren Circuit Court.

~~(1) — Montgomery Circuit Court, Juvenile, and CHINS cases: The Honorable Matthew Headley, Judge of the Putnam Circuit Court; the Honorable Sam Swaim, Judge of the Parke Circuit Court; the Honorable Susan O. Henderson, Judge of the Fountain Circuit Court; and the Honorable Loretta Rush, Judge of the Tippecanoe Superior Court No. 3.~~

~~—— (2) — Montgomery Circuit Court: The Honorable David A. Ault, Judge of the Montgomery Superior Court 1; the Honorable Susan O. Henderson, Judge of the Fountain Circuit Court; the Honorable Peggy Q. Lohorn, Judge of the Montgomery Superior Court 2; and the Honorable Sam Swaim, Judge of the Parke Circuit Court.~~

~~—— (3) — Montgomery Superior Court 1: The Honorable Susan O. Henderson, Judge of the Fountain Circuit Court; the Honorable Peggy Q. Lohorn, Judge of the Montgomery Superior Court 2; and the Honorable Thomas K. Milligan, Judge of the Montgomery Circuit Court.~~

~~—— (4) — Montgomery Superior Court 2: The Honorable David A. Ault, Judge of the Montgomery Superior Court 1; the Honorable Susan O. Henderson, Judge of the Fountain Circuit Court; the Honorable Thomas K. Milligan, Judge of the Montgomery Circuit Court; and the Honorable Kathy R. Smith, Judge of the Clinton Superior Court.~~

B. In the event that no judge is eligible to serve as a special judge or the particular circumstances of the case warrant selection of a special judge by the Indiana Supreme Court, such case shall be certified to the Indiana Supreme Court for the appointment of a special judge.

C. After a § special ¶ judge is selected, the caption of all pleadings filed thereafter shall designate "BEFORE SPECIAL JUDGE \_\_\_\_\_" immediately below the cause number.

D. A copy of each pleading or each paper filed with the Court after a § special ¶ judge has qualified shall be mailed or delivered to the office of that § special ¶ judge by the counsel or litigant with service indicated on the certificate of service.

**LR54-CR13-4**

**Reassignment**

A. The following judges shall serve in the event it becomes necessary to reassign a felony or misdemeanor case in the Montgomery Circuit Court, the Montgomery Superior Court 1 or the Montgomery Superior Court 2: The judge of the Fountain Circuit Court, the judge of the Montgomery Circuit Court, the judge of the Montgomery Superior Court 1, the judge of the Montgomery Superior Court 2, the judge of the Parke Circuit Court, the judge of the Vermillion Circuit Court, and the judge of the Warren Circuit Court.

~~The following judges shall serve in the event it becomes necessary to reassign a felony or misdemeanor case in the Montgomery Superior Court 2: The Honorable Gregory J. Donat of the Tippecanoe Superior Court No. 4; the Honorable David A. Ault of the Montgomery Superior Court 1, the Honorable Kathy R. Smith of the Clinton Superior Court; and the Honorable Thomas K. Milligan of the Montgomery Circuit Court.~~

~~—— B. — The following judges shall serve in the event it becomes necessary to reassign a case in the Montgomery Circuit Court: The Honorable Susan Orr Henderson of the Fountain Circuit Court; the Honorable Matthew Kincaid of the Boone Superior Court No. 1; the Honorable Peggy Q. Lohorn of the Montgomery Superior Court 2; and the Honorable David A. Ault of the Montgomery Superior Court 1.~~

~~—— C. — The following judges shall serve in the event it becomes necessary to reassign a case in the Montgomery Superior Court 1: The Honorable Susan D. Henderson of the Fountain Circuit Court; the Honorable Matthew Kincaid of the Boone Superior Court No. 1, the Honorable Peggy Q. Lohorn of the~~

~~Montgomery Superior Court 2; and the Honorable Thomas K. Milligan of the Montgomery Circuit Court.~~

¶ B. By order of adoption of these rules, the Indiana Supreme Court, pursuant to I.C. 33-24-6-10, temporarily transfers the above named judges to the Montgomery Circuit and Superior Courts for the purpose of reassignment of felony or misdemeanor cases. In the event it becomes necessary to reassign a felony or misdemeanor case, the cases will be reassigned on a rotating basis to the above named judges in the order in which they are listed.